

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

**ORDER DENYING DEFENDANT SHERIFF ANDERSON'S  
MOTION FOR MORE DEFINITE STATEMENT**

Brian Keith Allen collapsed in jail and died within days. Plaintiffs—the Estate of Brian Keith Allen, by its Executor Susan K. Wrightsman, and Ella Mae Allen—have filed various federal and state claims against Marion County Sheriff Frank Anderson, the company which operates the jail, and two staff members at the jail. Plaintiffs' amended complaint does not specify whether Plaintiffs are suing Defendant Sheriff Anderson in his official or individual capacity. [Docket No. 30.]

As a result, Defendant Sheriff Anderson filed a motion for more definite statement. [Docket No. 32 at 1.] At a May 4, 2009, pretrial conference held after Defendant Anderson filed this motion, Plaintiffs clarified that they are suing Sheriff Anderson in both his official and individual capacity. [Docket No. 38.] Based upon this clarification, the motion is moot. If Plaintiffs seek further clarification or factual background regarding Plaintiffs' claims, they may

utilize the discovery process. Accordingly, Defendant Sheriff Anderson's motion for more definite statement [Docket No. 32] is denied.

Date: 07/14/2009

7-13L

Tim A. Baker  
United States Magistrate Judge  
Southern District of Indiana

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